

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROAD-CON, INC., et al.	:	CIVIL ACTION
	:	
v.	:	No. 19-1667
	:	
THE CITY OF PHILADELPHIA, et al.	:	

**ORDER**

AND NOW, this 27th day of March, 2020, upon consideration of Defendants The City of Philadelphia and Mayor James Kenney's Motion to Dismiss, Plaintiffs Road-Con, Inc., Neshaminy Constructors, Inc., Loftus Construction Inc., PKF-Mark III, Inc., and Scott Lacava's opposition, Defendants' reply, and the parties' supplemental notices, and for the reasons stated in the accompanying Memorandum, it is ORDERED the Motion (Document 6) is GRANTED in part to the extent that Count II is dismissed with prejudice, and Counts III and IV are dismissed without prejudice and with leave to amend. The motion is otherwise DENIED.

Plaintiffs shall have until April 13, 2020 to file an amended complaint<sup>1</sup> that corrects the pleading deficiencies identified in the accompanying Memorandum as to Counts III and IV. Failure to file an amended complaint within the time permitted may result in dismissal of such claims with prejudice.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.

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<sup>1</sup> Plaintiffs should consult the Eastern District of Pennsylvania website for updated procedures for filing complaints during the COVID-19 health crisis.